

FILED
SEP 19 2014
N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION : Administrative Action
OR REVOCATION OF THE CERTIFICATE:
OF :
:
Jennifer Kelly, C.H.H.A. :
Certificate No. 26NH12756000 : FINAL ORDER
:
TO PRACTICE AS A :
CERTIFIED HOME HEALTH AIDE :
IN THE STATE OF NEW JERSEY : OF DISCIPLINE

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Jennifer Kelly ("Respondent") is the holder of Homemaker Health Aide Certificate 26NH12756000 in the State of New Jersey.

2. On or about October 10, 2013, the Board received a Flagging Notice stating that Respondent had been arrested on October 9, 2013 by the Mantua Township Police for Shoplifting (N.J.S.A. 2C:20-11C(4)).

3. Upon receipt of the flagging notice, the Board sent a letter of inquiry via regular and certified mail on or about December 26, 2013, requesting certain information and submission of documents including a narrative regarding the arrest, to Respondent's address of record in Sewell, New Jersey. The regular mailing was not returned to the Board and the certified letter was returned to the Board on or about January 27, 2014.

CONCLUSIONS OF LAW

Respondent has failed to respond to the Board's request for information constituting a failure to cooperate with a Board investigation in contravention of N.J.A.C. 13:45C-1.2 and 1.3, in violation of N.J.S.A. 45:1-21(e), and also subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on April 18, 2014, provisionally suspending respondent's certification to practice as a homemaker-home health aide, and imposing a \$200 civil penalty. A copy of the Order was served upon respondent by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless

respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Ms. Kelly responded to the Provisional Order, and provided a complete response to the questions asked of her in the Board's original inquiry. Accordingly, the Board determined that suspension was no longer applicable. However, the Board determined that imposition of the \$200 civil penalty was still appropriate, as Respondent's initial failure to respond to the Board delayed the Board's investigation and required the Board to expend resources by filing a Provisional Order so as to obtain information that should have been more expeditiously furnished.

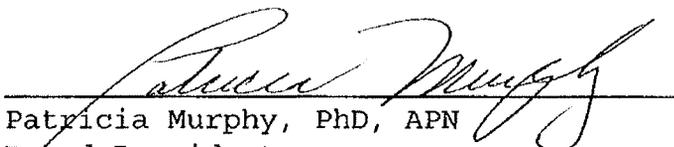
ACCORDINGLY, IT IS on this 19th day of September, 2014

ORDERED that:

1. A civil penalty in the total amount of \$200 is hereby imposed upon Respondent for failing to cooperate with a Board investigation. Payment should be made by certified check or

money order payable to the "State of New Jersey," delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of this order. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF NURSING

By: 
Patricia Murphy, PhD, APN
Board President